


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

APR 18 2019

WARREN EVANS, JR.,
Petitioner,

JULIA C. DUDLEY CLERK
BY: 
DEPUTY CLERK

v.

Criminal Case No. 5:15cr00020-1

UNITED STATES OF AMERICA,
Respondent.

PETITIONER'S RESPONSE TO COURT ORDER DATED APRIL 4, 2019
IN WHICH THIS COURT MISUNDERSTOOD PETITIONER'S FILING
THAT WAS SENT TO THE APPEAL'S COURT, AND RULED ON,
AND COUNSEL WAS APPOINTED.

COMES NOW petitioner, Warren Evans, Jr. to explain to this Honorable Court the reason of the filing of his pro se motion dated back in March of 2019, concerning a request to file a belated Notice of Appeal.

This Motion that petitioner filed was sent to the Appeals Court, and since petitioner was sentenced in this Honorable Court petitioner sent a copy of his said Motion to this Honorable Court to notify this Honorable Court of his filing, not for this Honorable Court to respond to. Petitioner is sending copies of the Appeals Court's acceptance of his Motion in which it is under this case number; No. 19-4193.

On March 21, 2019, the Appeals Court received my filing, and under Rule 4(d) of the Federal Rules of Appellate Procedure, the document was dated stamped and was forwarded for appropriate disposition see Exhibit (A) of this motion. This motion was received on March 22, 2019.

On March 27, 2019, the United States Court of Appeals For The Fourth Circuit Office of The Clerk forward petitioner a document (CJA COUNSEL NOTICE) appointing petitioner a

Attorney, Steven Ray Minor, ELLIOTT, LAWSON & MINOR, PC, 110 Piedmont Avenue, Suite 300, Bristol, VA 24201-4159, and with this notice petitioner also received documents of SEALED & CONFIDENTIAL MATERIALS, and other documents explaining what is expected from respondents. See Exhibit (B) of this motion.

Lastly, petitioner received a Order from the United States Court of Appeals For The Fourth Circuit explaining the appointment of Steven Minor to represent petitioner Warren Evans, Jr. on Appeal. See Exhibit (C) of this motion. So at this time petitioner is requesting this Honorable Court to refer to the Appeals Court concerning his Appeal, and to recall the Order that was made in the United States District Court For The Western District of Virginia, in which this Honorable Court issued a Order construeding petitioners motion as a 28 U.S.C. §2255.

CONCLUSION

WHEREFORE petitioner Warren Evans, Jr., requests this Honorable Court to recall, and dismiss the Order that was handed down on April 4, 2019, due to the Appeals Courts Ruling on his Requested filing to file a Belated Notice of Appeal motion.

Respectfully Submitted,

Warren Evans

Warren Evans, Jr. Pro Se
Reg. No. #58902-037
Federal Correctional Complex-USP 1
P.O. Box 1033
Coleman, Florida 33521

4/11/19

Date

CERTIFICATE OF SERVICE

I, Warren Evans Jr., pro se, do hereby certify under the penalty of perjury (28 USC § 1746) that I have served a true and correct copy of the following document(s):

PETITIONER'S RESPONSE TO COURT ORDER DATED APRIL 4, 2019, IN WHICH THIS COURT MISUNDER-
STOOD PETITIONER'S FILING THAT WAS SENT TO THE APPEAL'S COURT, AND RULED ON, AND COUNSEL
WAS APPOINTED.

Which, pursuant to Houston v. Lack, 487 U.S. 266, 101 L.Ed.2d 245, 108 S.Ct. 2379 (1988), deemed filed at the time it was delivered to prison authorities for forwarding to the court and service upon parties to litigation and/or their attorney(s) of record.

I have placed the material referenced above in a properly sealed envelope with first-class postage (stamps) affixed and address it to:

1. Clerk, U.S. District Court
210 Franklin Road, SW, Suite 540
Roanoke, VA 24011-2208
2. United States Court of Appeals
For The Fourth Circuit
Lewis F. Powell, Jr. United States Courthouse Annex
1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517

Petitioner is filing two (2) copies of said motion within the Clerk's Office of the United States District Court, and one (1) copy within the Clerk's Office of The United States Court of Appeals.

By: Warren Evans
Warren Evans, Jr. Pro Se

4/11/19
Date

WARREN EVANS #58902-037

Federal Correctional Complex -

PO Box 1033

Coleman, Florida 33521

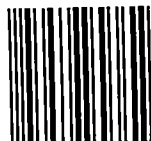
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Roanoke,

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VA 24011

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